

UNITED STATES OF AMERICA :  
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 :  
 v. : Crim. No. 2:11-cr-161-1  
 :  
 KENNETH L. MILLER, :  
 :  
 Defendant. :

Evidence of Miller's character for truthfulness is admissible if his character "for truthfulness has been attacked by opinion or reputation evidence or otherwise." Fed. R. Evid. 608(a)(2). The Government has focused its case on the credibility of statements made by Miller. The defense is permitted to introduce evidence of Miller's character for

truthfulness.

However, Federal Rule of Evidence 610 excludes evidence of Miller's religious beliefs or opinions for the purpose of showing that it affects his character for truthfulness. *See, e.g., Malek v. Fed. Ins. Co.*, 994 F.2d 49, 54 (2d Cir. 1993) (error to permit questions about religious beliefs to show effect on character for truthfulness). The defense may not offer evidence of Miller's religious beliefs as evidence of his character for truthfulness.

Dated at Burlington, in the District of Vermont, this 10th day of August, 2012.

/s/ William K. Sessions III  
William K. Sessions III  
United States District Court